



State of Utah

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DIVISION OF WILDLIFE RESOURCES

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January 29, 2003

Mr. Jack Troyer
U.S. Forest Service
Intermountain Region
Federal Office Building
324 25th Street
Ogden, UT 84401

Dear Mr. Troyer,

The Utah Division of Wildlife Resources (UDWR) and the U.S.D.A. Forest Service are signatories to the 1997 Conservation Agreement and Strategy for Colorado River Cutthroat Trout (*Oncorhynchus clarki pleuriticus*) (FS Agreement Number 37-MOU-98-008) and Bonneville Cutthroat Trout (*Oncorhynchus clarki utah*) (FS Agreement Number 37-MOU-98-007) in the State of Utah. Administration of these conservation agreements is by the Colorado River Cutthroat Trout Advisory Team (CRCTAT) and the Bonneville Cutthroat Trout Advisory Team (BVCTAT), respectively. The Utah Division of Wildlife Resources acts as the designated team leader for each multi-agency team. The teams meet semiannually to report on the progress in implementation of the Conservation Strategy. The teams have authority to make recommendations for the conservation of these native cutthroat trout to the Director of the Utah Division of Wildlife Resources.

Two situations were discussed at this fall's meetings on November 7 and 8, 2002 and team members felt compelled to bring these issues to my attention.

The first issue was discussed at the Colorado River cutthroat trout meeting. As you may be aware, the UDWR is currently conducting a study of Whirling Disease impacts on Colorado River cutthroat trout in UM Creek on the Fishlake National Forest. Stream and riparian habitat problems have existed for several years as documented by past correspondence from the UDWR to the Forest Service. Copies of this past correspondence were again provided to the Fishlake National Forest last year. These problems have now become so serious that they threaten the viability of the cutthroat trout population in the headwater forks of UM Creek. The UDWR met with Forest Service personnel and interested stakeholders, including livestock permittees, Trout

Unlimited, and the U.S. Fish and Wildlife Service. Meetings occurred in the office and the field in June and July 2002.

Despite these and past efforts habitat conditions continue to be degraded in the headwaters of UM Creek. During the field tour in late July it was noted that some portions of the allotment were already at or near established grazing standards. Yet these same areas continued to receive full livestock use for two additional months. In late September cattle were being actively dispersed throughout the allotment and were even being allowed to graze on new vegetative regrowth occurring **after** this year's fire.

The effects of this continued habitat degradation were evident in this years fisheries surveys including reduced numbers of trout in stations in heavily grazed areas, extreme water temperatures in heavily grazed open meadows, and the fact that one temperature monitor was made inoperable by being buried by silt.

Given the seriousness of this situation, there was unanimous agreement by CRCTAT members that this situation warranted action. The CRCTAT is particularly concerned that UM Creek will provide a resource situation that groups seeking to have Colorado River cutthroat trout listed as a threatened species can use to force their listing through the judicial process. The inability to meet Forest standards and the intent **of the** Colorado River Conservation Agreement and Strategy could reduce the credibility of restoration efforts. Therefore, I am carrying forward the **CRCTAT's** concerns to you, and requesting that your regional staff investigate this situation. It is my hope that this effort will facilitate constructive and proactive actions to improve land management in a manner that will both meet Forest standards and provide a positive example for cooperative efforts in fisheries habitat improvement.

The second concern is fire impacts and fire suppression practices discussed by both the BVCTAT and the CRCTAT. There were several fires, fire control, and management actions on Forest Service administered lands in southern Utah this year that had serious consequences or may have serious consequences in the future to native cutthroat trout populations and other fisheries. There was concern by BVCTAT and CRCTAT members that events in 2002 temporarily set back the momentum of **Bonneville** and Colorado River cutthroat trout restoration and that the risk of **future** events and problems remains high.

At least two separate fires in Southern Utah resulted in the direct loss of fisheries on Mt. Dutton and the Pine Valley Mountains. Prior to the Sanford Fire, Deep Creek contained a population of approximately 3,000 Bonneville cutthroat trout. From a small population remaining below the bum, approximately 250 Bonneville cutthroat trout were salvaged. Runoff from that fire killed all the remaining Bonneville cutthroat trout in the stream. Salvage operations were made very difficult due to silt and extreme daily water temperature fluctuations. It's disturbing that after this fire got out of control the Forest Service decided to adopt a "Least Cost Strategy" to try to suppress this fire.

Runoff from the Sanford Fire has killed fish in the East Fork Sevier River all the way down to the Otter Creek Reservoir diversion, encompassing approximately **40** miles of streams. This is likely the largest fish kill ever recorded in the state of Utah. UDWR has spent approximately \$650,000 for angler access and habitat improvements in this stream in recent years. It will take years for this fishery to recover.

Besides Deep Creek, two other wild cutthroat streams were lost on Mt. Dutton. Three other wild cutthroat populations were lost in the Pine Valley Mountains due to the Sequoia Fire.

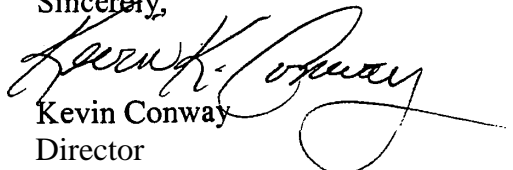
A fire retardant drop into another stream resulted in a fish kill in Southern Utah this summer. We understand that the Forest Service will be deciding whether to stay with the use of this retardant or to switch to a "fish friendly" retardant. We would encourage the Forest Service to use the most fish and wildlife friendly retardant that is still effective in suppressing fires. Several states have reported fish population losses due to retardant drops in streams.

Our final concern is the trans-basin or drainage transport of water for fire suppression. This practice is a major concern for disease transmission and introduction of **invasive** species. Water, mud, etc was being picked up in a Whirling Disease positive drainage and dumped on a fire in another drainage where Whirling Disease previously had not been recorded. When concerns over this practice were raised, fire control personnel did agree to disinfect their equipment and water, but wanted to dump the chlorinated water into another fishery. We understand that these same concerns were an issue in Colorado this summer.

The BVCTAT and CRCTAT teams have recommended that these situations be looked at in order to learn how to better incorporate aquatic resources and aquatic management concerns into fire management. The Forest Service should incorporate HACCP protocol into its helicopter fire suppression program. I am forwarding the teams' request that you have your regional staff investigate the **2002** fire events and develop recommendations to reduce the risk of similar events in the future.

The U.S. Forest has been an important partner in the conservation of native cutthroat trout in Utah and we look forward to working with you on these issues and other projects to secure our native cutthroat trout and sport fishery populations.

Sincerely,


Kevin Conway
Director
Utah Division of Wildlife Resources

cc: Tom Pettengill, chair BVCTAT and CRCTAT